

IN THE 416<sup>TH</sup> JUDICIAL  
DISTRICT COURT OF  
COLLIN COUNTY, TEXAS

VS.

**DISCOVERY CONTROL PLAN AND SCHEDULING ORDER**

In lieu of appearing for an informal pretrial conference the parties and/or attorneys have agreed to the following Discovery Control Plan and Scheduling Order.

The following was **agreed and stipulated** by the parties **AND/OR** Ordered by the Court:

- a. **1. Amended Pleadings.** The deadline for filing amended pleadings is \_\_\_\_\_.
- 2. Special Exceptions.** The deadline for filing exceptions to pleadings is \_\_\_\_\_.
- 3. Discovery.** All discovery shall be completed by \_\_\_\_\_.
- Discovery requests shall be served or filed, as appropriate, in sufficient time to allow for a timely response to such discovery requests to be served or filed by the discovery deadline.**
- 4. Time Limits for **Depositions:** \_\_\_\_\_.
- 5. Limitations on **Interrogatories:** \_\_\_\_\_.
- 6. Limitations on **Requests for Production:** \_\_\_\_\_.
- 7. Other Limitations: \_\_\_\_\_.
- 8. Deadline for Designations of Experts.** Plaintiff shall file a designation of its testifying experts by \_\_\_\_\_.
- Defendant shall file a designation of its testifying experts by \_\_\_\_\_.
- Any expert not designated shall not be permitted to testify. A designation shall include the subject matter and opinions to be offered by the expert.**
- b. **All "Daubert/Dupont" challenges shall be heard no later than 90 days prior to trial. Such objections shall be in writing and filed at least 10 days before the 90<sup>th</sup> day prior to trial. The procedure for the hearing will be specified by the Court after considering the objection and the circumstances of the challenge.**
- c. **Dispositive Motions** (Plea to Jurisdiction, Plea in abatement, etc.). All dispositive motions shall be filed and heard by \_\_\_\_\_.
- All Summary Judgment motions will be done by submission only. They must be filed and set for submission no later than 60 days prior to trial. The submission date of the Summary Judgment will be set for a date that allows sufficient time for the opposing party to receive the 21 day notice required by law. Any response to the Summary Judgment must be filed 7 days prior to the submission date.
- d. **Mediation.** Mediation is required. At the time they submit the scheduling order the parties may submit an agreed written order designating a mediator of their choice or sign and return the Oder of Referral to the SMU Dispute Resolution Program.

Each party is directed to provide the following at trial:

- 1) A concise trial summary as follows: State each separate cause of action and/or defense; each element of each cause of action and/or defense; if appropriate, a precise legal standard for measure of damages. Please be as brief and concise as possible. This summary is intended to be an aid for the Judge and staff, and should be limited to one page if possible. No formal headings or styles are required. Reference to case law and statute may be included.
  - 2) A list of anticipated witnesses, including the subject of, and estimated length of testimony.
  - 3) Proposed findings of fact and conclusions of law in hardcopy, and if possible, produce a computer disk.
  - 5) All documentary evidence and exhibits. Produce all exhibits to the court reporter **pre-marked for identification**, and to be prepared to consider stipulations as to the authenticity and admissibility of exhibits.
  - e. **Other:**  
A formal pretrial is not required for bench trials, only jury trials. Evidentiary matters should be heard in a timely matter prior to the trial.
  - f. Each party shall be prepared to consider such other matters as may aid in the disposition of the case, including any matter raised pursuant to Rule 166a. All pre-trial motions (Motions if Limine, etc.) shall be filed in a timely matter prior to the bench trial.
  - g. **Time Required for Trial.** Each side needs \_\_\_\_\_ hours per side.
  - h. Choose a trial date: September 8, \_\_\_\_\_ September 21 \_\_\_\_\_ October 5, \_\_\_\_\_ October 19, \_\_\_\_\_  
November 2, \_\_\_\_\_ November 16, \_\_\_\_\_ November 30, and \_\_\_\_\_ December 14, 2009 at 9:00 am.
- Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge Chris Oldner, Judge Presiding

\_\_\_\_\_  
Plaintiff/Petitioner

\_\_\_\_\_  
Defendant/Respondent